

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 252**

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**Introduced by Senator Liu**

February 12, 2013

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An act to add Article 6 (commencing with Section 123630) to Chapter 2 of Part 2 of Division 106 of the Health and Safety Code, and to amend Section 11320.3 of, and to add Section Sections 11210.5 and 11322.67 to, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 252, as amended, Liu. Social services: CalWORKs and paid family leave: *and unemployment and disability benefits.*

Existing law requires the State Department of Public Health to establish various programs for the support of maternal and child health.

This bill would require the department to investigate and apply for all federal funding opportunities, including opportunities to draw down federal matching funds, to maximize the availability of public health or federal Health and Human Services Agency approved voluntary home visiting programs for low-income Californians.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. As part of the CalWORKs program, participants, unless specifically exempted, are required to participate in welfare-to-work activities. Existing law exempts from the welfare-to-work provisions requirements a woman who is pregnant and for whom it has been medically verified that the pregnancy impairs her

ability to be regularly employed or participate in welfare-to-work activities.

This bill would ~~exempt from the welfare-to-work provisions of CalWORKs a woman who is pregnant and for whom that the pregnancy impairs her ability to be regularly employed or participate in welfare-to-work activities and~~ authorize a pregnant woman ~~who is to~~ satisfy welfare-to-work participation requirements, as specified, by participating in a voluntary maternal, infant, and early childhood home visiting program or another home visiting program for low-income Californians that is approved by the ~~federal Health and Human Services Agency United States Department of Health and Human Services,~~ subject to the receipt of a federal waiver, as provided. The bill would also require the State Department of Social Services to work with the Employment Development Department to ensure that each applicant and recipient of CalWORKs is provided with information about paid family leave, unemployment insurance, and pregnancy disability leave benefits, and would require the Employment Development Department to make certain training and information regarding paid family leave available to employees of the State Department of Social Services and county human services agencies. The bill would make a related statement of legislative intent.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Article 6 (commencing with Section 123630) is~~  
2     ~~added to Chapter 2 of Part 2 of Division 106 of the Health and~~  
3     ~~Safety Code, to read:~~

4  
5             ~~Article 6. Early Child Home Visiting Programs~~

6  
7     ~~123630. The State Department of Public Health shall~~  
8     ~~investigate and apply for all federal funding opportunities,~~  
9     ~~including opportunities to draw down federal matching funds, to~~  
10    ~~maximize the availability of public health or federal Health and~~  
11    ~~Human Services Agency approved voluntary early child home~~  
12    ~~visiting programs for low-income Californians.~~

13    ~~SECTION 1. It is the intent of the Legislature to improve~~  
14    ~~coordination among programs administered by the Employment~~

*Development Department and the State Department of Social Services for working parents and pregnant women. The Legislature intends that this will not only improve the birth outcomes and academic achievement of California's children, but will also reduce dependence on public assistance by helping parents to be successful in securing and retaining employment after the birth of a child.*

SEC. 2. Section 11210.5 is added to the Welfare and Institutions Code, to read:

11210.5. (a) For the purposes of ~~increasing receipt of paid family leave benefits to eligible households and~~ reducing the need for ~~CalWORKs~~ aid provided under this chapter to pregnant women and caregivers who need to take time away from work to care for themselves or a sick family member or have recently lost employment, the State Department of Social Services shall work with the Employment Development Department's Disability Insurance Branch to ensure that each applicant and recipient of aid under this chapter is provided with information about paid family leave, unemployment insurance, and pregnancy disability leave benefits.

(b) The Employment Development Department shall permit employees of the State Department of Social Services and county human services agencies to participate in the training and informational sessions regarding paid family leave offered by the Employment Development Department and shall make training materials and information available to them for use with applicants or recipients of aid under this chapter.

SEC. 3. Section 11320.3 of the Welfare and Institutions Code is amended to read:

11320.3. (a) (1) Except as provided in subdivision (b) or if otherwise exempt, every individual, as a condition of eligibility for aid under this chapter, shall participate in welfare-to-work activities under this article.

(2) Individuals eligible under Section 11331.5 shall be required to participate in the Cal-Learn Program under Article 3.5 (commencing with Section 11331) during the time that article is operative, in lieu of the welfare-to-work requirements, and subdivision (b) shall not apply to that individual.

(b) The following individuals shall not be required to participate for so long as the condition continues to exist:

1 (1) An individual under 16 years of age.

2 (2) (A) A child attending an elementary, secondary, vocational,  
3 or technical school on a full-time basis.

4 (B) A person who is 16 or 17 years of age, or a person described  
5 in subdivision (d) who loses this exemption, shall not requalify  
6 for the exemption by attending school as a required activity under  
7 this article.

8 (C) Notwithstanding subparagraph (B), a person who is 16 or  
9 17 years of age who has obtained a high school diploma or its  
10 equivalent and is enrolled or is planning to enroll in a  
11 postsecondary education, vocational, or technical school training  
12 program shall also not be required to participate for so long as the  
13 condition continues to exist.

14 (D) For purposes of subparagraph (C), a person shall be deemed  
15 to be planning to enroll in a postsecondary education, vocational,  
16 or technical school training program if he or she, or his or her  
17 parent, acting on his or her behalf, submits a written statement  
18 expressing his or her intent to enroll in such a program for the  
19 following term. The exemption from participation shall not  
20 continue beyond the beginning of the term, unless verification of  
21 enrollment is provided or obtained by the county.

22 (3) An individual who meets either of the following conditions:

23 (A) The individual is disabled as determined by a doctor's  
24 verification that the disability is expected to last at least 30 days  
25 and that it significantly impairs the recipient's ability to be  
26 regularly employed or participate in welfare-to-work activities,  
27 provided that the individual is actively seeking appropriate medical  
28 treatment.

29 (B) The individual is of advanced age.

30 (4) A nonparent caretaker relative who has primary  
31 responsibility for providing care for a child and is either caring for  
32 a child who is a dependent or ward of the court or caring for a  
33 child in a case in which a county determines the child is at risk of  
34 placement in foster care, and the county determines that the  
35 caretaking responsibilities are beyond those considered normal  
36 day-to-day parenting responsibilities such that they impair the  
37 caretaker relative's ability to be regularly employed or to participate  
38 in welfare-to-work activities.

39 (5) An individual whose presence in the home is required  
40 because of illness or incapacity of another member of the household

1 and whose caretaking responsibilities impair the recipient's ability  
2 to be regularly employed or to participate in welfare-to-work  
3 activities.

4 (6) A parent or other relative who meets the criteria in  
5 subparagraph (A) or (B).

6 (A) (i) The parent or other relative has primary responsibility  
7 for personally providing care to a child six months of age or under,  
8 except that, on a case-by-case basis, and based on criteria  
9 developed by the county, this period may be reduced to the first  
10 12 weeks after the birth or adoption of the child, or increased to  
11 the first 12 months after the birth or adoption of the child. An  
12 individual may be exempt only once under this clause.

13 (ii) An individual who received an exemption pursuant to clause  
14 (i) shall be exempt for a period of 12 weeks, upon the birth or  
15 adoption of any subsequent children, except that this period may  
16 be extended on a case-by-case basis to six months, based on criteria  
17 developed by the county.

18 (iii) In making the determination to extend the period of  
19 exception under clause (i) or (ii), the following may be considered:

20 (I) The availability of child care.

21 (II) Local labor market conditions.

22 (III) Other factors determined by the county.

23 (iv) Effective January 1, 2013, the parent or other relative has  
24 primary responsibility for personally providing care to one child  
25 from birth to 23 months, inclusive. The exemption provided for  
26 under this clause shall be available in addition to any other  
27 exemption provided for under this subparagraph. An individual  
28 may be exempt only once under this clause.

29 (B) In a family eligible for aid under this chapter due to the  
30 unemployment of the principal wage earner, the exemption criteria  
31 contained in subparagraph (A) shall be applied to only one parent.

32 (7) A parent or other relative who has primary responsibility  
33 for personally providing care to one child who is from 12 to 23  
34 months of age, inclusive, or two or more children who are under  
35 six years of age.

36 (8) A woman who is pregnant and for whom *it has been*  
37 *medically verified that* the pregnancy impairs her ability to be  
38 regularly employed or participate in welfare-to-work activities or  
39 the county has determined that, at that time, participation will not  
40 readily lead to employment or that a training activity is not

1 appropriate. *If a pregnant woman is unable to secure this medical*  
2 *verification, she shall be nonetheless eligible for other exemptions*  
3 *from the welfare-to-work requirements, including the exception*  
4 *for good cause provided in subdivision (f).*

5 ~~(9) A pregnant woman who is participating in a maternal, infant,~~  
6 ~~and early childhood home visiting (MIECHV) program or another~~  
7 ~~home visiting program for low-income Californians that is~~  
8 ~~approved by the federal Health and Human Services Agency.~~

9 (c) Any individual not required to participate may choose to  
10 participate voluntarily under this article, and end that participation  
11 at any time without loss of eligibility for aid under this chapter, if  
12 his or her status has not changed in a way that would require  
13 participation.

14 (d) (1) Notwithstanding subdivision (a), a custodial parent who  
15 is under 20 years of age and who has not earned a high school  
16 diploma or its equivalent, and who is not exempt or whose only  
17 basis for exemption is paragraph (1), (2), (5), (6), (7), or (8) of  
18 subdivision (b), shall be required to participate solely for the  
19 purpose of earning a high school diploma or its equivalent. During  
20 the time that Article 3.5 (commencing with Section 11331) is  
21 operative, this subdivision shall only apply to a custodial parent  
22 who is 19 years of age.

23 (2) Section 11325.25 shall apply to a custodial parent who is  
24 18 or 19 years of age and who is required to participate under this  
25 article.

26 (e) Notwithstanding paragraph (1) of subdivision (d), the county  
27 may determine that participation in education activities for the  
28 purpose of earning a high school diploma or equivalent is  
29 inappropriate for an 18 or 19 year old custodial parent only if that  
30 parent is reassigned pursuant to an evaluation under Section  
31 11325.25, or, at appraisal is already in an educational or vocational  
32 training program that is approvable as a self-initiated program as  
33 specified in Section 11325.23. If that determination is made, the  
34 parent shall be allowed to continue participation in the self-initiated  
35 program subject to Section 11325.23. During the time that Article  
36 3.5 (commencing with Section 11331) is operative, this subdivision  
37 shall only apply to a custodial parent who is 19 years of age.

38 (f) A recipient shall be excused from participation for good  
39 cause when the county has determined there is a condition or other  
40 circumstance that temporarily prevents or significantly impairs

1 the recipient's ability to be regularly employed or to participate in  
2 welfare-to-work activities. The county welfare department shall  
3 review the good cause determination for its continuing  
4 appropriateness in accordance with the projected length of the  
5 condition, or circumstance, but not less than every three months.  
6 The recipient shall cooperate with the county welfare department  
7 and provide information, including written documentation, as  
8 required to complete the review. Conditions that may be considered  
9 good cause include, but are not limited to, the following:

10 (1) Lack of necessary supportive services.

11 (2) In accordance with Article 7.5 (commencing with Section  
12 11495), the applicant or recipient is a victim of domestic violence,  
13 but only if participation under this article is detrimental to or  
14 unfairly penalizes that individual or his or her family.

15 (3) Licensed or license-exempt child care for a child 10 years  
16 of age or younger is not reasonably available during the  
17 individual's hours of training or employment including commuting  
18 time, or arrangements for child care have broken down or have  
19 been interrupted, or child care is needed for a child who meets the  
20 criteria of subparagraph (C) of paragraph (1) of subdivision (a) of  
21 Section 11323.2, but who is not included in the assistance unit.  
22 For purposes of this paragraph, "reasonable availability" means  
23 child care that is commonly available in the recipient's community  
24 to a person who is not receiving aid and that is in conformity with  
25 the requirements of Public Law 104-193. The choices of child care  
26 shall meet either licensing requirements or the requirements of  
27 Section 11324. This good cause criterion shall include the  
28 unavailability of suitable special needs child care for children with  
29 identified special needs, including, but not limited to, disabilities  
30 or chronic illnesses.

31 (g) (1) Paragraph (7) of subdivision (b) shall be implemented  
32 notwithstanding Sections 11322.4, 11322.7, 11325.6, and 11327,  
33 and shall become inoperative on January 1, 2013.

34 (2) The State Department of Social Services, in consultation  
35 with the County Welfare Directors Association of California, and  
36 advocates, shall develop a process to assist clients with  
37 reengagement in welfare-to-work activities, pursuant to subdivision  
38 (h). Reengagement activities may include notifying clients of the  
39 expiration of exemptions, reassessments, and identifying necessary  
40 supportive services.

(h) (1) A recipient who was not required to participate in welfare-to-work activities on December 31, 2012, because, in accordance with paragraph (7) of subdivision (b), he or she is a parent or other relative who has primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age shall not be required to participate until the county welfare department reengages the recipient in welfare-to-work activities.

(2) For purposes of this subdivision, reengagement in welfare-to-work activities shall include the development of a welfare-to-work plan in accordance with Section 11325.21 and the provision of necessary supportive services pursuant to Section 11323.2.

(3) County welfare departments shall reengage all recipients described in paragraph (1) by January 1, 2015, unless the recipient is otherwise eligible for an exemption under subdivision (b).

(4) A recipient reengaged in accordance with this subdivision who has received assistance under this chapter, or from any state pursuant to the Temporary Assistance for Needy Families program (Part A (commencing with Section 401) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.)), may continue in a welfare-to-work plan that meets the requirements of Section 11322.6 for a cumulative period of 24 months commencing the first day of the first month after he or she is reengaged, unless or until he or she exceeds the 48-month time limitation described in Section 11454.

(5) All months of assistance described in paragraph (4) prior to the reengagement of the recipient shall not be applied to the 24-month limitation described in paragraph (1) of subdivision (a) of Section 11322.85.

*SEC. 4. Section 11322.67 is added to the Welfare and Institutions Code, to read:*

*11322.67. (a) If a pregnant woman is required to participate in work under this article, she may satisfy the work participation requirements by participating in a voluntary maternal, infant, and early childhood home visiting program or another voluntary home visiting program for low-income Californians that is approved by the United States Department of Health and Human Services. The hours that the woman participates in the home visiting program*



1 *shall be applied to the work participation hours required by Section*  
2 *11322.8 for a period of no longer than one year.*  
3 *(b) This section shall be implemented only upon receipt of a*  
4 *waiver by the United States Department of Health and Human*  
5 *Services, in accordance with Section 11329.2.*

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